

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered by  
15 a legally constituted jury or by a court of competent  
16 jurisdiction authorized to try the case without a jury.  
17 An order of supervision successfully completed by the  
18 petitioner is not a conviction. An order of qualified  
19 probation (as defined in subsection (a)(1)(J))  
20 successfully completed by the petitioner is not a  
21 conviction. An order of supervision or an order of  
22 qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1           (D) "Criminal offense" means a petty offense,  
2           business offense, misdemeanor, felony, or municipal  
3           ordinance violation (as defined in subsection  
4           (a) (1) (H)). As used in this Section, a minor traffic  
5           offense (as defined in subsection (a) (1) (G)) shall not  
6           be considered a criminal offense.

7           (E) "Expunge" means to physically destroy the  
8           records or return them to the petitioner and to  
9           obliterate the petitioner's name from any official  
10          index or public record, or both. Nothing in this Act  
11          shall require the physical destruction of the circuit  
12          court file, but such records relating to arrests or  
13          charges, or both, ordered expunged shall be impounded  
14          as required by subsections (d) (9) (A) (ii) and  
15          (d) (9) (B) (ii).

16          (F) As used in this Section, "last sentence" means  
17          the sentence, order of supervision, or order of  
18          qualified probation (as defined by subsection  
19          (a) (1) (J)), for a criminal offense (as defined by  
20          subsection (a) (1) (D)) that terminates last in time in  
21          any jurisdiction, regardless of whether the petitioner  
22          has included the criminal offense for which the  
23          sentence or order of supervision or qualified  
24          probation was imposed in his or her petition. If  
25          multiple sentences, orders of supervision, or orders  
26          of qualified probation terminate on the same day and

1           are last in time, they shall be collectively considered  
2           the "last sentence" regardless of whether they were  
3           ordered to run concurrently.

4           (G) "Minor traffic offense" means a petty offense,  
5           business offense, or Class C misdemeanor under the  
6           Illinois Vehicle Code or a similar provision of a  
7           municipal or local ordinance.

8           (H) "Municipal ordinance violation" means an  
9           offense defined by a municipal or local ordinance that  
10          is criminal in nature and with which the petitioner was  
11          charged or for which the petitioner was arrested and  
12          released without charging.

13          (I) "Petitioner" means an adult or a minor  
14          prosecuted as an adult who has applied for relief under  
15          this Section.

16          (J) "Qualified probation" means an order of  
17          probation under Section 10 of the Cannabis Control Act,  
18          Section 410 of the Illinois Controlled Substances Act,  
19          Section 70 of the Methamphetamine Control and  
20          Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
21          of the Unified Code of Corrections, Section  
22          12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
23          those provisions existed before their deletion by  
24          Public Act 89-313), Section 10-102 of the Illinois  
25          Alcoholism and Other Drug Dependency Act, Section  
26          40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, or Section 10 of the Steroid Control  
2 Act. For the purpose of this Section, "successful  
3 completion" of an order of qualified probation under  
4 Section 10-102 of the Illinois Alcoholism and Other  
5 Drug Dependency Act and Section 40-10 of the Alcoholism  
6 and Other Drug Abuse and Dependency Act means that the  
7 probation was terminated satisfactorily and the  
8 judgment of conviction was vacated.

9 (K) "Seal" means to physically and electronically  
10 maintain the records, unless the records would  
11 otherwise be destroyed due to age, but to make the  
12 records unavailable without a court order, subject to  
13 the exceptions in Sections 12 and 13 of this Act. The  
14 petitioner's name shall also be obliterated from the  
15 official index required to be kept by the circuit court  
16 clerk under Section 16 of the Clerks of Courts Act, but  
17 any index issued by the circuit court clerk before the  
18 entry of the order to seal shall not be affected.

19 (L) "Sexual offense committed against a minor"  
20 includes but is not limited to the offenses of indecent  
21 solicitation of a child or criminal sexual abuse when  
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or  
24 order of supervision or qualified probation includes  
25 either satisfactory or unsatisfactory termination of  
26 the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or  
3 convictions for minor traffic offenses shall not affect a  
4 petitioner's eligibility to expunge or seal records  
5 pursuant to this Section.

6 (3) Exclusions. Except as otherwise provided in  
7 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of  
10 arrests or charges not initiated by arrest that result  
11 in an order of supervision for or conviction of: (i)  
12 any sexual offense committed against a minor; (ii)  
13 Section 11-501 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance; or (iii)  
15 Section 11-503 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance, unless the  
17 arrest or charge is for a misdemeanor violation of  
18 subsection (a) of Section 11-503 or a similar provision  
19 of a local ordinance, that occurred prior to the  
20 offender reaching the age of 25 years and the offender  
21 has no other conviction for violating Section 11-501 or  
22 11-503 of the Illinois Vehicle Code or a similar  
23 provision of a local ordinance.

24 (B) the sealing or expungement of records of minor  
25 traffic offenses (as defined in subsection (a) (1) (G)),  
26 unless the petitioner was arrested and released

1 without charging.

2 (C) the sealing of the records of arrests or  
3 charges not initiated by arrest which result in an  
4 order of supervision or a conviction for the following  
5 offenses:

6 (i) offenses included in Article 11 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012  
8 or a similar provision of a local ordinance, except  
9 Section 11-14 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, or a similar provision of a  
11 local ordinance;

12 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
13 26-5, or 48-1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, or a similar provision of a  
15 local ordinance;

16 (iii) Sections 12-3.1 or 12-3.2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012,  
18 or Section 125 of the Stalking No Contact Order  
19 Act, or Section 219 of the Civil No Contact Order  
20 Act, or a similar provision of a local ordinance;

21 (iv) offenses which are Class A misdemeanors  
22 under the Humane Care for Animals Act; or

23 (v) any offense or attempted offense that  
24 would subject a person to registration under the  
25 Sex Offender Registration Act.

26 (D) the sealing of the records of an arrest which

1 results in the petitioner being charged with a felony  
2 offense or records of a charge not initiated by arrest  
3 for a felony offense unless:

4 (i) the charge is amended to a misdemeanor and  
5 is otherwise eligible to be sealed pursuant to  
6 subsection (c);

7 (ii) the charge is brought along with another  
8 charge as a part of one case and the charge results  
9 in acquittal, dismissal, or conviction when the  
10 conviction was reversed or vacated, and another  
11 charge brought in the same case results in a  
12 disposition for a misdemeanor offense that is  
13 eligible to be sealed pursuant to subsection (c) or  
14 a disposition listed in paragraph (i), (iii), or  
15 (iv) of this subsection;

16 (iii) the charge results in first offender  
17 probation as set forth in subsection (c) (2) (E);

18 (iv) the charge is for a felony offense listed  
19 in subsection (c) (2) (F) or the charge is amended to  
20 a felony offense listed in subsection (c) (2) (F);

21 (v) the charge results in acquittal,  
22 dismissal, or the petitioner's release without  
23 conviction; or

24 (vi) the charge results in a conviction, but  
25 the conviction was reversed or vacated.

26 (b) Expungement.

1 (1) A petitioner may petition the circuit court to  
2 expunge the records of his or her arrests and charges not  
3 initiated by arrest when each ÷

4 ~~(A) He or she has never been convicted of a~~  
5 ~~criminal offense; and~~

6 ~~(B) Each~~ arrest or charge not initiated by arrest  
7 sought to be expunged resulted in: (i) acquittal,  
8 dismissal, or the petitioner's release without  
9 charging, unless excluded by subsection (a)(3)(B);  
10 (ii) a conviction which was vacated or reversed, unless  
11 excluded by subsection (a)(3)(B); (iii) an order of  
12 supervision and such supervision was successfully  
13 completed by the petitioner, unless excluded by  
14 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
15 qualified probation (as defined in subsection  
16 (a)(1)(J)) and such probation was successfully  
17 completed by the petitioner.

18 (1.5) When a petitioner seeks to have a record of  
19 arrest expunged under this Section, and the offender has  
20 been convicted of a criminal offense, the State's Attorney  
21 may object to the expungement on the grounds that the  
22 records contain specific relevant information aside from  
23 the mere fact of the arrest.

24 (2) Time frame for filing a petition to expunge.

25 (A) When the arrest or charge not initiated by  
26 arrest sought to be expunged resulted in an acquittal,

1 dismissal, the petitioner's release without charging,  
2 or the reversal or vacation of a conviction, there is  
3 no waiting period to petition for the expungement of  
4 such records.

5 (B) When the arrest or charge not initiated by  
6 arrest sought to be expunged resulted in an order of  
7 supervision, successfully completed by the petitioner,  
8 the following time frames will apply:

9 (i) Those arrests or charges that resulted in  
10 orders of supervision under Section 3-707, 3-708,  
11 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
12 similar provision of a local ordinance, or under  
13 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012, or a  
15 similar provision of a local ordinance, shall not  
16 be eligible for expungement until 5 years have  
17 passed following the satisfactory termination of  
18 the supervision.

19 (i-5) Those arrests or charges that resulted  
20 in orders of supervision for a misdemeanor  
21 violation of subsection (a) of Section 11-503 of  
22 the Illinois Vehicle Code or a similar provision of  
23 a local ordinance, that occurred prior to the  
24 offender reaching the age of 25 years and the  
25 offender has no other conviction for violating  
26 Section 11-501 or 11-503 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance  
2 shall not be eligible for expungement until the  
3 petitioner has reached the age of 25 years.

4 (ii) Those arrests or charges that resulted in  
5 orders of supervision for any other offenses shall  
6 not be eligible for expungement until 2 years have  
7 passed following the satisfactory termination of  
8 the supervision.

9 (C) When the arrest or charge not initiated by  
10 arrest sought to be expunged resulted in an order of  
11 qualified probation, successfully completed by the  
12 petitioner, such records shall not be eligible for  
13 expungement until 5 years have passed following the  
14 satisfactory termination of the probation.

15 (3) Those records maintained by the Department for  
16 persons arrested prior to their 17th birthday shall be  
17 expunged as provided in Section 5-915 of the Juvenile Court  
18 Act of 1987.

19 (4) Whenever a person has been arrested for or  
20 convicted of any offense, in the name of a person whose  
21 identity he or she has stolen or otherwise come into  
22 possession of, the aggrieved person from whom the identity  
23 was stolen or otherwise obtained without authorization,  
24 upon learning of the person having been arrested using his  
25 or her identity, may, upon verified petition to the chief  
26 judge of the circuit wherein the arrest was made, have a

1 court order entered nunc pro tunc by the Chief Judge to  
2 correct the arrest record, conviction record, if any, and  
3 all official records of the arresting authority, the  
4 Department, other criminal justice agencies, the  
5 prosecutor, and the trial court concerning such arrest, if  
6 any, by removing his or her name from all such records in  
7 connection with the arrest and conviction, if any, and by  
8 inserting in the records the name of the offender, if known  
9 or ascertainable, in lieu of the aggrieved's name. The  
10 records of the circuit court clerk shall be sealed until  
11 further order of the court upon good cause shown and the  
12 name of the aggrieved person obliterated on the official  
13 index required to be kept by the circuit court clerk under  
14 Section 16 of the Clerks of Courts Act, but the order shall  
15 not affect any index issued by the circuit court clerk  
16 before the entry of the order. Nothing in this Section  
17 shall limit the Department of State Police or other  
18 criminal justice agencies or prosecutors from listing  
19 under an offender's name the false names he or she has  
20 used.

21 (5) Whenever a person has been convicted of criminal  
22 sexual assault, aggravated criminal sexual assault,  
23 predatory criminal sexual assault of a child, criminal  
24 sexual abuse, or aggravated criminal sexual abuse, the  
25 victim of that offense may request that the State's  
26 Attorney of the county in which the conviction occurred

1 file a verified petition with the presiding trial judge at  
2 the petitioner's trial to have a court order entered to  
3 seal the records of the circuit court clerk in connection  
4 with the proceedings of the trial court concerning that  
5 offense. However, the records of the arresting authority  
6 and the Department of State Police concerning the offense  
7 shall not be sealed. The court, upon good cause shown,  
8 shall make the records of the circuit court clerk in  
9 connection with the proceedings of the trial court  
10 concerning the offense available for public inspection.

11 (6) If a conviction has been set aside on direct review  
12 or on collateral attack and the court determines by clear  
13 and convincing evidence that the petitioner was factually  
14 innocent of the charge, the court that finds the petitioner  
15 factually innocent of the charge shall enter an expungement  
16 order for the conviction for which the petitioner has been  
17 determined to be innocent as provided in subsection (b) of  
18 Section 5-5-4 of the Unified Code of Corrections.

19 (7) Nothing in this Section shall prevent the  
20 Department of State Police from maintaining all records of  
21 any person who is admitted to probation upon terms and  
22 conditions and who fulfills those terms and conditions  
23 pursuant to Section 10 of the Cannabis Control Act, Section  
24 410 of the Illinois Controlled Substances Act, Section 70  
25 of the Methamphetamine Control and Community Protection  
26 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of

1 Corrections, Section 12-4.3 or subdivision (b)(1) of  
2 Section 12-3.05 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, Section 10-102 of the Illinois  
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
5 the Alcoholism and Other Drug Abuse and Dependency Act, or  
6 Section 10 of the Steroid Control Act.

7 (8) If the petitioner has been granted a certificate of  
8 innocence under Section 2-702 of the Code of Civil  
9 Procedure, the court that grants the certificate of  
10 innocence shall also enter an order expunging the  
11 conviction for which the petitioner has been determined to  
12 be innocent as provided in subsection (h) of Section 2-702  
13 of the Code of Civil Procedure.

14 (c) Sealing.

15 (1) Applicability. Notwithstanding any other provision  
16 of this Act to the contrary, and cumulative with any rights  
17 to expungement of criminal records, this subsection  
18 authorizes the sealing of criminal records of adults and of  
19 minors prosecuted as adults.

20 (2) Eligible Records. The following records may be  
21 sealed:

22 (A) All arrests resulting in release without  
23 charging;

24 (B) Arrests or charges not initiated by arrest  
25 resulting in acquittal, dismissal, or conviction when  
26 the conviction was reversed or vacated, except as

1 excluded by subsection (a) (3) (B);

2 (C) Arrests or charges not initiated by arrest  
3 resulting in orders of supervision, including orders  
4 of supervision for municipal ordinance violations,  
5 successfully completed by the petitioner, unless  
6 excluded by subsection (a) (3);

7 (D) Arrests or charges not initiated by arrest  
8 resulting in convictions, including convictions on  
9 municipal ordinance violations, unless excluded by  
10 subsection (a) (3);

11 (E) Arrests or charges not initiated by arrest  
12 resulting in orders of first offender probation under  
13 Section 10 of the Cannabis Control Act, Section 410 of  
14 the Illinois Controlled Substances Act, Section 70 of  
15 the Methamphetamine Control and Community Protection  
16 Act, or Section 5-6-3.3 of the Unified Code of  
17 Corrections; and

18 (F) Arrests or charges not initiated by arrest  
19 resulting in felony convictions for the following  
20 offenses:

21 (i) Class 4 felony convictions for:

22 Prostitution under Section 11-14 of the  
23 Criminal Code of 1961 or the Criminal Code of  
24 2012.

25 Possession of cannabis under Section 4 of  
26 the Cannabis Control Act.

1            Possession of a controlled substance under  
2            Section 402 of the Illinois Controlled  
3            Substances Act.

4            Offenses under the Methamphetamine  
5            Precursor Control Act.

6            Offenses under the Steroid Control Act.

7            Theft under Section 16-1 of the Criminal  
8            Code of 1961 or the Criminal Code of 2012.

9            Retail theft under Section 16A-3 or  
10           paragraph (a) of 16-25 of the Criminal Code of  
11           1961 or the Criminal Code of 2012.

12           Deceptive practices under Section 17-1 of  
13           the Criminal Code of 1961 or the Criminal Code  
14           of 2012.

15           Forgery under Section 17-3 of the Criminal  
16           Code of 1961 or the Criminal Code of 2012.

17           Possession of burglary tools under Section  
18           19-2 of the Criminal Code of 1961 or the  
19           Criminal Code of 2012.

20           (ii) Class 3 felony convictions for:

21           Theft under Section 16-1 of the Criminal  
22           Code of 1961 or the Criminal Code of 2012.

23           Retail theft under Section 16A-3 or  
24           paragraph (a) of 16-25 of the Criminal Code of  
25           1961 or the Criminal Code of 2012.

26           Deceptive practices under Section 17-1 of

1 the Criminal Code of 1961 or the Criminal Code  
2 of 2012.

3 Forgery under Section 17-3 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012.

5 Possession with intent to manufacture or  
6 deliver a controlled substance under Section  
7 401 of the Illinois Controlled Substances Act.

8 (3) When Records Are Eligible to Be Sealed. Records  
9 identified as eligible under subsection (c)(2) may be  
10 sealed as follows:

11 (A) Records identified as eligible under  
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
13 time.

14 (B) Except as otherwise provided in subparagraph  
15 (E) of this paragraph (3), records identified as  
16 eligible under subsection (c)(2)(C) may be sealed 2  
17 years after the termination of petitioner's last  
18 sentence (as defined in subsection (a)(1)(F)).

19 (C) Except as otherwise provided in subparagraph  
20 (E) of this paragraph (3), records identified as  
21 eligible under subsections (c)(2)(D), (c)(2)(E), and  
22 (c)(2)(F) may be sealed 3 years after the termination  
23 of the petitioner's last sentence (as defined in  
24 subsection (a)(1)(F)).

25 (D) Records identified in subsection  
26 (a)(3)(A)(iii) may be sealed after the petitioner has

1 reached the age of 25 years.

2 (E) Records identified as eligible under  
3 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
4 (c)(2)(F) may be sealed upon termination of the  
5 petitioner's last sentence if the petitioner earned a  
6 high school diploma, associate's degree, career  
7 certificate, vocational technical certification, or  
8 bachelor's degree, or passed the high school level Test  
9 of General Educational Development, during the period  
10 of his or her sentence, aftercare release, or mandatory  
11 supervised release. This subparagraph shall apply only  
12 to a petitioner who has not completed the same  
13 educational goal prior to the period of his or her  
14 sentence, aftercare release, or mandatory supervised  
15 release. If a petition for sealing eligible records  
16 filed under this subparagraph is denied by the court,  
17 the time periods under subparagraph (B) or (C) shall  
18 apply to any subsequent petition for sealing filed by  
19 the petitioner.

20 (4) Subsequent felony convictions. A person may not  
21 have subsequent felony conviction records sealed as  
22 provided in this subsection (c) if he or she is convicted  
23 of any felony offense after the date of the sealing of  
24 prior felony convictions as provided in this subsection  
25 (c). The court may, upon conviction for a subsequent felony  
26 offense, order the unsealing of prior felony conviction

1 records previously ordered sealed by the court.

2 (5) Notice of eligibility for sealing. Upon entry of a  
3 disposition for an eligible record under this subsection  
4 (c), the petitioner shall be informed by the court of the  
5 right to have the records sealed and the procedures for the  
6 sealing of the records.

7 (d) Procedure. The following procedures apply to  
8 expungement under subsections (b), (e), and (e-6) and sealing  
9 under subsections (c) and (e-5):

10 (1) Filing the petition. Upon becoming eligible to  
11 petition for the expungement or sealing of records under  
12 this Section, the petitioner shall file a petition  
13 requesting the expungement or sealing of records with the  
14 clerk of the court where the arrests occurred or the  
15 charges were brought, or both. If arrests occurred or  
16 charges were brought in multiple jurisdictions, a petition  
17 must be filed in each such jurisdiction. The petitioner  
18 shall pay the applicable fee, except no fee shall be  
19 required if the petitioner has obtained a court order  
20 waiving fees under Supreme Court Rule 298 or it is  
21 otherwise waived ~~if not waived~~.

22 (1.5) County fee waiver pilot program. In a county of  
23 3,000,000 or more inhabitants, no fee shall be required to  
24 be paid by a petitioner if the records sought to be  
25 expunged or sealed were arrests resulting in release  
26 without charging or arrests or charges not initiated by

1 arrest resulting in acquittal, dismissal, or conviction  
2 when the conviction was reversed or vacated, unless  
3 excluded by subsection (a)(3)(B). The provisions of this  
4 paragraph (1.5), other than this sentence, are inoperative  
5 on and after January 1, 2018 or one year after the  
6 effective date of this amendatory Act of the 99th General  
7 Assembly, whichever is later.

8 (2) Contents of petition. The petition shall be  
9 verified and shall contain the petitioner's name, date of  
10 birth, current address and, for each arrest or charge not  
11 initiated by arrest sought to be sealed or expunged, the  
12 case number, the date of arrest (if any), the identity of  
13 the arresting authority, and such other information as the  
14 court may require. During the pendency of the proceeding,  
15 the petitioner shall promptly notify the circuit court  
16 clerk of any change of his or her address. If the  
17 petitioner has received a certificate of eligibility for  
18 sealing from the Prisoner Review Board under paragraph (10)  
19 of subsection (a) of Section 3-3-2 of the Unified Code of  
20 Corrections, the certificate shall be attached to the  
21 petition.

22 (3) Drug test. The petitioner must attach to the  
23 petition proof that the petitioner has passed a test taken  
24 within 30 days before the filing of the petition showing  
25 the absence within his or her body of all illegal  
26 substances as defined by the Illinois Controlled

1 Substances Act, the Methamphetamine Control and Community  
2 Protection Act, and the Cannabis Control Act if he or she  
3 is petitioning to:

4 (A) seal felony records under clause (c) (2) (E);

5 (B) seal felony records for a violation of the  
6 Illinois Controlled Substances Act, the  
7 Methamphetamine Control and Community Protection Act,  
8 or the Cannabis Control Act under clause (c) (2) (F);

9 (C) seal felony records under subsection (e-5); or

10 (D) expunge felony records of a qualified  
11 probation under clause (b) (1) ~~(B)~~ (iv).

12 (4) Service of petition. The circuit court clerk shall  
13 promptly serve a copy of the petition and documentation to  
14 support the petition under subsection (e-5) or (e-6) on the  
15 State's Attorney or prosecutor charged with the duty of  
16 prosecuting the offense, the Department of State Police,  
17 the arresting agency and the chief legal officer of the  
18 unit of local government effecting the arrest.

19 (5) Objections.

20 (A) Any party entitled to notice of the petition  
21 may file an objection to the petition. All objections  
22 shall be in writing, shall be filed with the circuit  
23 court clerk, and shall state with specificity the basis  
24 of the objection. Whenever a person who has been  
25 convicted of an offense is granted a pardon by the  
26 Governor which specifically authorizes expungement, an

1 objection to the petition may not be filed.

2 (B) Objections to a petition to expunge or seal  
3 must be filed within 60 days of the date of service of  
4 the petition.

5 (6) Entry of order.

6 (A) The Chief Judge of the circuit wherein the  
7 charge was brought, any judge of that circuit  
8 designated by the Chief Judge, or in counties of less  
9 than 3,000,000 inhabitants, the presiding trial judge  
10 at the petitioner's trial, if any, shall rule on the  
11 petition to expunge or seal as set forth in this  
12 subsection (d) (6).

13 (B) Unless the State's Attorney or prosecutor, the  
14 Department of State Police, the arresting agency, or  
15 the chief legal officer files an objection to the  
16 petition to expunge or seal within 60 days from the  
17 date of service of the petition, the court shall enter  
18 an order granting or denying the petition.

19 (7) Hearings. If an objection is filed, the court shall  
20 set a date for a hearing and notify the petitioner and all  
21 parties entitled to notice of the petition of the hearing  
22 date at least 30 days prior to the hearing. Prior to the  
23 hearing, the State's Attorney shall consult with the  
24 Department as to the appropriateness of the relief sought  
25 in the petition to expunge or seal. At the hearing, the  
26 court shall hear evidence on whether the petition should or

1 should not be granted, and shall grant or deny the petition  
2 to expunge or seal the records based on the evidence  
3 presented at the hearing. The court may consider the  
4 following:

5 (A) the strength of the evidence supporting the  
6 defendant's conviction;

7 (B) the reasons for retention of the conviction  
8 records by the State;

9 (C) the petitioner's age, criminal record history,  
10 and employment history;

11 (D) the period of time between the petitioner's  
12 arrest on the charge resulting in the conviction and  
13 the filing of the petition under this Section; and

14 (E) the specific adverse consequences the  
15 petitioner may be subject to if the petition is denied.

16 (8) Service of order. After entering an order to  
17 expunge or seal records, the court must provide copies of  
18 the order to the Department, in a form and manner  
19 prescribed by the Department, to the petitioner, to the  
20 State's Attorney or prosecutor charged with the duty of  
21 prosecuting the offense, to the arresting agency, to the  
22 chief legal officer of the unit of local government  
23 effecting the arrest, and to such other criminal justice  
24 agencies as may be ordered by the court.

25 (9) Implementation of order.

26 (A) Upon entry of an order to expunge records

1           pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

2                   (i) the records shall be expunged (as defined  
3                   in subsection (a) (1) (E)) by the arresting agency,  
4                   the Department, and any other agency as ordered by  
5                   the court, within 60 days of the date of service of  
6                   the order, unless a motion to vacate, modify, or  
7                   reconsider the order is filed pursuant to  
8                   paragraph (12) of subsection (d) of this Section;

9                   (ii) the records of the circuit court clerk  
10                  shall be impounded until further order of the court  
11                  upon good cause shown and the name of the  
12                  petitioner obliterated on the official index  
13                  required to be kept by the circuit court clerk  
14                  under Section 16 of the Clerks of Courts Act, but  
15                  the order shall not affect any index issued by the  
16                  circuit court clerk before the entry of the order;  
17                  and

18                  (iii) in response to an inquiry for expunged  
19                  records, the court, the Department, or the agency  
20                  receiving such inquiry, shall reply as it does in  
21                  response to inquiries when no records ever  
22                  existed.

23                  (B) Upon entry of an order to expunge records  
24                  pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

25                   (i) the records shall be expunged (as defined  
26                   in subsection (a) (1) (E)) by the arresting agency

1           and any other agency as ordered by the court,  
2           within 60 days of the date of service of the order,  
3           unless a motion to vacate, modify, or reconsider  
4           the order is filed pursuant to paragraph (12) of  
5           subsection (d) of this Section;

6           (ii) the records of the circuit court clerk  
7           shall be impounded until further order of the court  
8           upon good cause shown and the name of the  
9           petitioner obliterated on the official index  
10          required to be kept by the circuit court clerk  
11          under Section 16 of the Clerks of Courts Act, but  
12          the order shall not affect any index issued by the  
13          circuit court clerk before the entry of the order;

14          (iii) the records shall be impounded by the  
15          Department within 60 days of the date of service of  
16          the order as ordered by the court, unless a motion  
17          to vacate, modify, or reconsider the order is filed  
18          pursuant to paragraph (12) of subsection (d) of  
19          this Section;

20          (iv) records impounded by the Department may  
21          be disseminated by the Department only as required  
22          by law or to the arresting authority, the State's  
23          Attorney, and the court upon a later arrest for the  
24          same or a similar offense or for the purpose of  
25          sentencing for any subsequent felony, and to the  
26          Department of Corrections upon conviction for any

1 offense; and

2 (v) in response to an inquiry for such records  
3 from anyone not authorized by law to access such  
4 records, the court, the Department, or the agency  
5 receiving such inquiry shall reply as it does in  
6 response to inquiries when no records ever  
7 existed.

8 (B-5) Upon entry of an order to expunge records  
9 under subsection (e-6):

10 (i) the records shall be expunged (as defined  
11 in subsection (a)(1)(E)) by the arresting agency  
12 and any other agency as ordered by the court,  
13 within 60 days of the date of service of the order,  
14 unless a motion to vacate, modify, or reconsider  
15 the order is filed under paragraph (12) of  
16 subsection (d) of this Section;

17 (ii) the records of the circuit court clerk  
18 shall be impounded until further order of the court  
19 upon good cause shown and the name of the  
20 petitioner obliterated on the official index  
21 required to be kept by the circuit court clerk  
22 under Section 16 of the Clerks of Courts Act, but  
23 the order shall not affect any index issued by the  
24 circuit court clerk before the entry of the order;

25 (iii) the records shall be impounded by the  
26 Department within 60 days of the date of service of

1           the order as ordered by the court, unless a motion  
2           to vacate, modify, or reconsider the order is filed  
3           under paragraph (12) of subsection (d) of this  
4           Section;

5           (iv) records impounded by the Department may  
6           be disseminated by the Department only as required  
7           by law or to the arresting authority, the State's  
8           Attorney, and the court upon a later arrest for the  
9           same or a similar offense or for the purpose of  
10          sentencing for any subsequent felony, and to the  
11          Department of Corrections upon conviction for any  
12          offense; and

13          (v) in response to an inquiry for these records  
14          from anyone not authorized by law to access the  
15          records, the court, the Department, or the agency  
16          receiving the inquiry shall reply as it does in  
17          response to inquiries when no records ever  
18          existed.

19          (C) Upon entry of an order to seal records under  
20          subsection (c), the arresting agency, any other agency  
21          as ordered by the court, the Department, and the court  
22          shall seal the records (as defined in subsection  
23          (a) (1) (K)). In response to an inquiry for such records,  
24          from anyone not authorized by law to access such  
25          records, the court, the Department, or the agency  
26          receiving such inquiry shall reply as it does in

1 response to inquiries when no records ever existed.

2 (D) The Department shall send written notice to the  
3 petitioner of its compliance with each order to expunge  
4 or seal records within 60 days of the date of service  
5 of that order or, if a motion to vacate, modify, or  
6 reconsider is filed, within 60 days of service of the  
7 order resolving the motion, if that order requires the  
8 Department to expunge or seal records. In the event of  
9 an appeal from the circuit court order, the Department  
10 shall send written notice to the petitioner of its  
11 compliance with an Appellate Court or Supreme Court  
12 judgment to expunge or seal records within 60 days of  
13 the issuance of the court's mandate. The notice is not  
14 required while any motion to vacate, modify, or  
15 reconsider, or any appeal or petition for  
16 discretionary appellate review, is pending.

17 (10) Fees. The Department may charge the petitioner a  
18 fee equivalent to the cost of processing any order to  
19 expunge or seal records. Notwithstanding any provision of  
20 the Clerks of Courts Act to the contrary, the circuit court  
21 clerk may charge a fee equivalent to the cost associated  
22 with the sealing or expungement of records by the circuit  
23 court clerk. From the total filing fee collected for the  
24 petition to seal or expunge, the circuit court clerk shall  
25 deposit \$10 into the Circuit Court Clerk Operation and  
26 Administrative Fund, to be used to offset the costs

1 incurred by the circuit court clerk in performing the  
2 additional duties required to serve the petition to seal or  
3 expunge on all parties. The circuit court clerk shall  
4 collect and forward the Department of State Police portion  
5 of the fee to the Department and it shall be deposited in  
6 the State Police Services Fund.

7 (11) Final Order. No court order issued under the  
8 expungement or sealing provisions of this Section shall  
9 become final for purposes of appeal until 30 days after  
10 service of the order on the petitioner and all parties  
11 entitled to notice of the petition.

12 (12) Motion to Vacate, Modify, or Reconsider. Under  
13 Section 2-1203 of the Code of Civil Procedure, the  
14 petitioner or any party entitled to notice may file a  
15 motion to vacate, modify, or reconsider the order granting  
16 or denying the petition to expunge or seal within 60 days  
17 of service of the order. If filed more than 60 days after  
18 service of the order, a petition to vacate, modify, or  
19 reconsider shall comply with subsection (c) of Section  
20 2-1401 of the Code of Civil Procedure. Upon filing of a  
21 motion to vacate, modify, or reconsider, notice of the  
22 motion shall be served upon the petitioner and all parties  
23 entitled to notice of the petition.

24 (13) Effect of Order. An order granting a petition  
25 under the expungement or sealing provisions of this Section  
26 shall not be considered void because it fails to comply

1 with the provisions of this Section or because of any error  
2 asserted in a motion to vacate, modify, or reconsider. The  
3 circuit court retains jurisdiction to determine whether  
4 the order is voidable and to vacate, modify, or reconsider  
5 its terms based on a motion filed under paragraph (12) of  
6 this subsection (d).

7 (14) Compliance with Order Granting Petition to Seal  
8 Records. Unless a court has entered a stay of an order  
9 granting a petition to seal, all parties entitled to notice  
10 of the petition must fully comply with the terms of the  
11 order within 60 days of service of the order even if a  
12 party is seeking relief from the order through a motion  
13 filed under paragraph (12) of this subsection (d) or is  
14 appealing the order.

15 (15) Compliance with Order Granting Petition to  
16 Expunge Records. While a party is seeking relief from the  
17 order granting the petition to expunge through a motion  
18 filed under paragraph (12) of this subsection (d) or is  
19 appealing the order, and unless a court has entered a stay  
20 of that order, the parties entitled to notice of the  
21 petition must seal, but need not expunge, the records until  
22 there is a final order on the motion for relief or, in the  
23 case of an appeal, the issuance of that court's mandate.

24 (16) The changes to this subsection (d) made by Public  
25 Act 98-163 apply to all petitions pending on August 5, 2013  
26 (the effective date of Public Act 98-163) and to all orders

1 ruling on a petition to expunge or seal on or after August  
2 5, 2013 (the effective date of Public Act 98-163).

3 (e) Whenever a person who has been convicted of an offense  
4 is granted a pardon by the Governor which specifically  
5 authorizes expungement, he or she may, upon verified petition  
6 to the Chief Judge of the circuit where the person had been  
7 convicted, any judge of the circuit designated by the Chief  
8 Judge, or in counties of less than 3,000,000 inhabitants, the  
9 presiding trial judge at the defendant's trial, have a court  
10 order entered expunging the record of arrest from the official  
11 records of the arresting authority and order that the records  
12 of the circuit court clerk and the Department be sealed until  
13 further order of the court upon good cause shown or as  
14 otherwise provided herein, and the name of the defendant  
15 obliterated from the official index requested to be kept by the  
16 circuit court clerk under Section 16 of the Clerks of Courts  
17 Act in connection with the arrest and conviction for the  
18 offense for which he or she had been pardoned but the order  
19 shall not affect any index issued by the circuit court clerk  
20 before the entry of the order. All records sealed by the  
21 Department may be disseminated by the Department only to the  
22 arresting authority, the State's Attorney, and the court upon a  
23 later arrest for the same or similar offense or for the purpose  
24 of sentencing for any subsequent felony. Upon conviction for  
25 any subsequent offense, the Department of Corrections shall  
26 have access to all sealed records of the Department pertaining

1 to that individual. Upon entry of the order of expungement, the  
2 circuit court clerk shall promptly mail a copy of the order to  
3 the person who was pardoned.

4 (e-5) Whenever a person who has been convicted of an  
5 offense is granted a certificate of eligibility for sealing by  
6 the Prisoner Review Board which specifically authorizes  
7 sealing, he or she may, upon verified petition to the Chief  
8 Judge of the circuit where the person had been convicted, any  
9 judge of the circuit designated by the Chief Judge, or in  
10 counties of less than 3,000,000 inhabitants, the presiding  
11 trial judge at the petitioner's trial, have a court order  
12 entered sealing the record of arrest from the official records  
13 of the arresting authority and order that the records of the  
14 circuit court clerk and the Department be sealed until further  
15 order of the court upon good cause shown or as otherwise  
16 provided herein, and the name of the petitioner obliterated  
17 from the official index requested to be kept by the circuit  
18 court clerk under Section 16 of the Clerks of Courts Act in  
19 connection with the arrest and conviction for the offense for  
20 which he or she had been granted the certificate but the order  
21 shall not affect any index issued by the circuit court clerk  
22 before the entry of the order. All records sealed by the  
23 Department may be disseminated by the Department only as  
24 required by this Act or to the arresting authority, a law  
25 enforcement agency, the State's Attorney, and the court upon a  
26 later arrest for the same or similar offense or for the purpose

1 of sentencing for any subsequent felony. Upon conviction for  
2 any subsequent offense, the Department of Corrections shall  
3 have access to all sealed records of the Department pertaining  
4 to that individual. Upon entry of the order of sealing, the  
5 circuit court clerk shall promptly mail a copy of the order to  
6 the person who was granted the certificate of eligibility for  
7 sealing.

8 (e-6) Whenever a person who has been convicted of an  
9 offense is granted a certificate of eligibility for expungement  
10 by the Prisoner Review Board which specifically authorizes  
11 expungement, he or she may, upon verified petition to the Chief  
12 Judge of the circuit where the person had been convicted, any  
13 judge of the circuit designated by the Chief Judge, or in  
14 counties of less than 3,000,000 inhabitants, the presiding  
15 trial judge at the petitioner's trial, have a court order  
16 entered expunging the record of arrest from the official  
17 records of the arresting authority and order that the records  
18 of the circuit court clerk and the Department be sealed until  
19 further order of the court upon good cause shown or as  
20 otherwise provided herein, and the name of the petitioner  
21 obliterated from the official index requested to be kept by the  
22 circuit court clerk under Section 16 of the Clerks of Courts  
23 Act in connection with the arrest and conviction for the  
24 offense for which he or she had been granted the certificate  
25 but the order shall not affect any index issued by the circuit  
26 court clerk before the entry of the order. All records sealed

1 by the Department may be disseminated by the Department only as  
2 required by this Act or to the arresting authority, a law  
3 enforcement agency, the State's Attorney, and the court upon a  
4 later arrest for the same or similar offense or for the purpose  
5 of sentencing for any subsequent felony. Upon conviction for  
6 any subsequent offense, the Department of Corrections shall  
7 have access to all expunged records of the Department  
8 pertaining to that individual. Upon entry of the order of  
9 expungement, the circuit court clerk shall promptly mail a copy  
10 of the order to the person who was granted the certificate of  
11 eligibility for expungement.

12 (f) Subject to available funding, the Illinois Department  
13 of Corrections shall conduct a study of the impact of sealing,  
14 especially on employment and recidivism rates, utilizing a  
15 random sample of those who apply for the sealing of their  
16 criminal records under Public Act 93-211. At the request of the  
17 Illinois Department of Corrections, records of the Illinois  
18 Department of Employment Security shall be utilized as  
19 appropriate to assist in the study. The study shall not  
20 disclose any data in a manner that would allow the  
21 identification of any particular individual or employing unit.  
22 The study shall be made available to the General Assembly no  
23 later than September 1, 2010.

24 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
25 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,  
26 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;

1 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;  
2 99-385, eff. 1-1-16; revised 10-15-15.)

3 Section 10. The Juvenile Court Act of 1987 is amended by  
4 changing Section 5-915 as follows:

5 (705 ILCS 405/5-915)

6 Sec. 5-915. Expungement of juvenile law enforcement and  
7 court records.

8 (0.05) For purposes of this Section and Section 5-622:

9 "Expunge" means to physically destroy the records and  
10 to obliterate the minor's name from any official index or  
11 public record, or both. Nothing in this Act shall require  
12 the physical destruction of the internal office records,  
13 files, or databases maintained by a State's Attorney's  
14 Office or other prosecutor.

15 "Law enforcement record" includes but is not limited to  
16 records of arrest, station adjustments, fingerprints,  
17 probation adjustments, the issuance of a notice to appear,  
18 or any other records maintained by a law enforcement agency  
19 relating to a minor suspected of committing an offense.

20 (1) Whenever any person has attained the age of 18 or  
21 whenever all juvenile court proceedings relating to that person  
22 have been terminated, whichever is later, the person may  
23 petition the court to expunge law enforcement records relating  
24 to incidents occurring before his or her 18th birthday or his

1 or her juvenile court records, or both, but only in the  
2 following circumstances:

3 (a) the minor was arrested and no petition for  
4 delinquency was filed with the clerk of the circuit court;  
5 or

6 (b) the minor was charged with an offense and was found  
7 not delinquent of that offense; or

8 (c) the minor was placed under supervision pursuant to  
9 Section 5-615, and the order of supervision has since been  
10 successfully terminated; or

11 (d) the minor was adjudicated for an offense which  
12 would be a Class B misdemeanor, Class C misdemeanor, or a  
13 petty or business offense if committed by an adult.

14 (1.5) Commencing 180 days after the effective date of this  
15 amendatory Act of the 98th General Assembly, the Department of  
16 State Police shall automatically expunge, on or before January  
17 1 of each year, a person's law enforcement records relating to  
18 incidents occurring before his or her 18th birthday in the  
19 Department's possession or control and which contains the final  
20 disposition which pertain to the person when arrested as a  
21 minor if:

22 (a) the minor was arrested for an eligible offense and  
23 no petition for delinquency was filed with the clerk of the  
24 circuit court; and

25 (b) the person attained the age of 18 years during the  
26 last calendar year; and

1           (c) since the date of the minor's most recent arrest,  
2           at least 6 months have elapsed without an additional  
3           arrest, filing of a petition for delinquency whether  
4           related or not to a previous arrest, or filing of charges  
5           not initiated by arrest.

6           The Department of State Police shall allow a person to use  
7           the Access and Review process, established in the Department of  
8           State Police, for verifying that his or her law enforcement  
9           records relating to incidents occurring before his or her 18th  
10          birthday eligible under this subsection have been expunged as  
11          provided in this subsection.

12          The Department of State Police shall provide by rule the  
13          process for access, review, and automatic expungement.

14          (1.6) Commencing on the effective date of this amendatory  
15          Act of the 98th General Assembly, a person whose law  
16          enforcement records are not subject to subsection (1.5) of this  
17          Section and who has attained the age of 18 years may use the  
18          Access and Review process, established in the Department of  
19          State Police, for verifying his or her law enforcement records  
20          relating to incidents occurring before his or her 18th birthday  
21          in the Department's possession or control which pertain to the  
22          person when arrested as a minor, if the incident occurred no  
23          earlier than 30 years before the effective date of this  
24          amendatory Act of the 98th General Assembly. If the person  
25          identifies a law enforcement record of an eligible offense that  
26          meets the requirements of this subsection, paragraphs (a) and

1 (c) of subsection (1.5) of this Section, and all juvenile court  
2 proceedings related to the person have been terminated, the  
3 person may file a Request for Expungement of Juvenile Law  
4 Enforcement Records, in the form and manner prescribed by the  
5 Department of State Police, with the Department and the  
6 Department shall consider expungement of the record as  
7 otherwise provided for automatic expungement under subsection  
8 (1.5) of this Section. The person shall provide notice and a  
9 copy of the Request for Expungement of Juvenile Law Enforcement  
10 Records to the arresting agency, prosecutor charged with the  
11 prosecution of the minor, or the State's Attorney of the county  
12 that prosecuted the minor. The Department of State Police shall  
13 provide by rule the process for access, review, and Request for  
14 Expungement of Juvenile Law Enforcement Records.

15 (1.7) Nothing in subsections (1.5) and (1.6) of this  
16 Section precludes a person from filing a petition under  
17 subsection (1) for expungement of records subject to automatic  
18 expungement under subsection (1.5) or (1.6) of this Section.

19 (1.8) For the purposes of subsections (1.5) and (1.6) of  
20 this Section, "eligible offense" means records relating to an  
21 arrest or incident occurring before the person's 18th birthday  
22 that if committed by an adult is not an offense classified as a  
23 Class 2 felony or higher offense, an offense under Article 11  
24 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
25 an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16  
26 of the Criminal Code of 1961.

1           (2) Any person may petition the court to expunge all law  
2 enforcement records relating to any incidents occurring before  
3 his or her 18th birthday which did not result in proceedings in  
4 criminal court and all juvenile court records with respect to  
5 any adjudications except those based upon first degree murder  
6 and sex offenses which would be felonies if committed by an  
7 adult, if the person for whom expungement is sought has had no  
8 convictions for any crime since his or her 18th birthday and:

9           (a) has attained the age of 21 years; or

10           (b) 5 years have elapsed since all juvenile court  
11 proceedings relating to him or her have been terminated or  
12 his or her commitment to the Department of Juvenile Justice  
13 pursuant to this Act has been terminated;

14 whichever is later of (a) or (b). Nothing in this Section 5-915  
15 precludes a minor from obtaining expungement under Section  
16 5-622.

17           (2.5) If a minor is arrested and no petition for  
18 delinquency is filed with the clerk of the circuit court as  
19 provided in paragraph (a) of subsection (1) at the time the  
20 minor is released from custody, the youth officer, if  
21 applicable, or other designated person from the arresting  
22 agency, shall notify verbally and in writing to the minor or  
23 the minor's parents or guardians that if the State's Attorney  
24 does not file a petition for delinquency, the minor has a right  
25 to petition to have his or her arrest record expunged when the  
26 minor attains the age of 18 or when all juvenile court

1 proceedings relating to that minor have been terminated and  
2 that unless a petition to expunge is filed, the minor shall  
3 have an arrest record and shall provide the minor and the  
4 minor's parents or guardians with an expungement information  
5 packet, including a petition to expunge juvenile records  
6 obtained from the clerk of the circuit court.

7 (2.6) If a minor is charged with an offense and is found  
8 not delinquent of that offense; or if a minor is placed under  
9 supervision under Section 5-615, and the order of supervision  
10 is successfully terminated; or if a minor is adjudicated for an  
11 offense that would be a Class B misdemeanor, a Class C  
12 misdemeanor, or a business or petty offense if committed by an  
13 adult; or if a minor has incidents occurring before his or her  
14 18th birthday that have not resulted in proceedings in criminal  
15 court, or resulted in proceedings in juvenile court, and the  
16 adjudications were not based upon first degree murder or sex  
17 offenses that would be felonies if committed by an adult; then  
18 at the time of sentencing or dismissal of the case, the judge  
19 shall inform the delinquent minor of his or her right to  
20 petition for expungement as provided by law, and the clerk of  
21 the circuit court shall provide an expungement information  
22 packet to the delinquent minor, written in plain language,  
23 including a petition for expungement, a sample of a completed  
24 petition, expungement instructions that shall include  
25 information informing the minor that (i) once the case is  
26 expunged, it shall be treated as if it never occurred, (ii) he

1 or she may apply to have petition fees waived, (iii) once he or  
2 she obtains an expungement, he or she may not be required to  
3 disclose that he or she had a juvenile record, and (iv) he or  
4 she may file the petition on his or her own or with the  
5 assistance of an attorney. The failure of the judge to inform  
6 the delinquent minor of his or her right to petition for  
7 expungement as provided by law does not create a substantive  
8 right, nor is that failure grounds for: (i) a reversal of an  
9 adjudication of delinquency, (ii) a new trial; or (iii) an  
10 appeal.

11 (2.7) For counties with a population over 3,000,000, the  
12 clerk of the circuit court shall send a "Notification of a  
13 Possible Right to Expungement" post card to the minor at the  
14 address last received by the clerk of the circuit court on the  
15 date that the minor attains the age of 18 based on the  
16 birthdate provided to the court by the minor or his or her  
17 guardian in cases under paragraphs (b), (c), and (d) of  
18 subsection (1); and when the minor attains the age of 21 based  
19 on the birthdate provided to the court by the minor or his or  
20 her guardian in cases under subsection (2).

21 (2.8) The petition for expungement for subsection (1) may  
22 include multiple offenses on the same petition and shall be  
23 substantially in the following form:

24 IN THE CIRCUIT COURT OF ....., ILLINOIS

25 ..... JUDICIAL CIRCUIT

1 IN THE INTEREST OF ) NO.  
 2 )  
 3 )  
 4 .....)  
 5 (Name of Petitioner)

6 PETITION TO EXPUNGE JUVENILE RECORDS  
 7 (705 ILCS 405/5-915 (SUBSECTION 1))

8 Now comes ....., petitioner, and respectfully requests  
 9 that this Honorable Court enter an order expunging all juvenile  
 10 law enforcement and court records of petitioner and in support  
 11 thereof states that: Petitioner has attained the age of 18,  
 12 his/her birth date being ....., or all Juvenile Court  
 13 proceedings terminated as of ....., whichever occurred later.  
 14 Petitioner was arrested on ..... by the ..... Police  
 15 Department for the offense or offenses of ....., and:

16 (Check All That Apply:)

17 ( ) a. no petition or petitions were filed with the Clerk of  
 18 the Circuit Court.

19 ( ) b. was charged with ..... and was found not delinquent of  
 20 the offense or offenses.

21 ( ) c. a petition or petitions were filed and the petition or  
 22 petitions were dismissed without a finding of delinquency on  
 23 .....

24 ( ) d. on ..... placed under supervision pursuant to Section  
 25 5-615 of the Juvenile Court Act of 1987 and such order of

1 supervision successfully terminated on .....

2 ( ) e. was adjudicated for the offense or offenses, which would  
3 have been a Class B misdemeanor, a Class C misdemeanor, or a  
4 petty offense or business offense if committed by an adult.

5 Petitioner .... has .... has not been arrested on charges in  
6 this or any county other than the charges listed above. If  
7 petitioner has been arrested on additional charges, please list  
8 the charges below:

9 Charge(s): .....

10 Arresting Agency or Agencies: .....

11 Disposition/Result: (choose from a. through e., above): .....

12 WHEREFORE, the petitioner respectfully requests this Honorable  
13 Court to (1) order all law enforcement agencies to expunge all  
14 records of petitioner to this incident or incidents, and (2) to  
15 order the Clerk of the Court to expunge all records concerning  
16 the petitioner regarding this incident or incidents.

17 .....

18 Petitioner (Signature)

19 .....

20 Petitioner's Street Address

21 .....

22 City, State, Zip Code

1 .....  
2

Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil  
4 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
5 statements in this petition are true and correct, or on  
6 information and belief I believe the same to be true.

7 .....  
8

Petitioner (Signature)

9 The Petition for Expungement for subsection (2) shall be  
10 substantially in the following form:

11 IN THE CIRCUIT COURT OF ....., ILLINOIS

12 ..... JUDICIAL CIRCUIT

13 IN THE INTEREST OF ) NO.

14 )

15 )

16 .....)

17 (Name of Petitioner)

18 PETITION TO EXPUNGE JUVENILE RECORDS

19 (705 ILCS 405/5-915 (SUBSECTION 2))

20 (Please prepare a separate petition for each offense)

21 Now comes ....., petitioner, and respectfully requests

1 that this Honorable Court enter an order expunging all Juvenile  
2 Law Enforcement and Court records of petitioner and in support  
3 thereof states that:

4 The incident for which the Petitioner seeks expungement  
5 occurred before the Petitioner's 18th birthday and did not  
6 result in proceedings in criminal court and the Petitioner has  
7 not had any convictions for any crime since his/her 18th  
8 birthday; and

9 The incident for which the Petitioner seeks expungement  
10 occurred before the Petitioner's 18th birthday and the  
11 adjudication was not based upon first-degree murder or sex  
12 offenses which would be felonies if committed by an adult, and  
13 the Petitioner has not had any convictions for any crime since  
14 his/her 18th birthday.

15 Petitioner was arrested on ..... by the ..... Police  
16 Department for the offense of ....., and:

17 (Check whichever one occurred the latest:)

18 ( ) a. The Petitioner has attained the age of 21 years, his/her  
19 birthday being .....; or

20 ( ) b. 5 years have elapsed since all juvenile court  
21 proceedings relating to the Petitioner have been terminated; or  
22 the Petitioner's commitment to the Department of Juvenile  
23 Justice pursuant to the expungement of juvenile law enforcement  
24 and court records provisions of the Juvenile Court Act of 1987  
25 has been terminated. Petitioner ...has ...has not been arrested  
26 on charges in this or any other county other than the charge

1 listed above. If petitioner has been arrested on additional  
2 charges, please list the charges below:

3 Charge(s): .....

4 Arresting Agency or Agencies: .....

5 Disposition/Result: (choose from a or b, above): .....

6 WHEREFORE, the petitioner respectfully requests this Honorable  
7 Court to (1) order all law enforcement agencies to expunge all  
8 records of petitioner related to this incident, and (2) to  
9 order the Clerk of the Court to expunge all records concerning  
10 the petitioner regarding this incident.

11 .....  
12 Petitioner (Signature)

13 .....  
14 Petitioner's Street Address

15 .....  
16 City, State, Zip Code

17 .....  
18 Petitioner's Telephone Number

19 Pursuant to the penalties of perjury under the Code of Civil  
20 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
21 statements in this petition are true and correct, or on  
22 information and belief I believe the same to be true.

1 .....  
2

3 Petitioner (Signature)

4 (3) The chief judge of the circuit in which an arrest was  
5 made or a charge was brought or any judge of that circuit  
6 designated by the chief judge may, upon verified petition of a  
7 person who is the subject of an arrest or a juvenile court  
8 proceeding under subsection (1) or (2) of this Section, order  
9 the law enforcement records or official court file, or both, to  
10 be expunged from the official records of the arresting  
11 authority, the clerk of the circuit court and the Department of  
12 State Police. The person whose records are to be expunged shall  
13 petition the court using the appropriate form containing his or  
14 her current address and shall promptly notify the clerk of the  
15 circuit court of any change of address. Notice of the petition  
16 shall be served upon the State's Attorney or prosecutor charged  
17 with the duty of prosecuting the offense, the Department of  
18 State Police, and the arresting agency or agencies by the clerk  
19 of the circuit court. If an objection is filed within 45 days  
20 of the notice of the petition, the clerk of the circuit court  
21 shall set a date for hearing after the 45 day objection period.  
22 At the hearing the court shall hear evidence on whether the  
23 expungement should or should not be granted. Unless the State's  
24 Attorney or prosecutor, the Department of State Police, or an  
25 arresting agency objects to the expungement within 45 days of  
26 the notice, the court may enter an order granting expungement.  
~~The person whose records are to be expunged shall pay the clerk~~

1 ~~of the circuit court a fee equivalent to the cost associated~~  
 2 ~~with expungement of records by the clerk and the Department of~~  
 3 ~~State Police.~~ The clerk shall forward a certified copy of the  
 4 order to the Department of State Police, ~~the appropriate~~  
 5 ~~portion of the fee to the Department of State Police for~~  
 6 ~~processing,~~ and deliver a certified copy of the order to the  
 7 arresting agency.

8 (3.1) The Notice of Expungement shall be in substantially  
 9 the following form:

10 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 11 ..... JUDICIAL CIRCUIT

12 IN THE INTEREST OF ) NO.  
 13 )  
 14 )  
 15 .....)  
 16 (Name of Petitioner)

17 NOTICE

18 TO: State's Attorney

19 TO: Arresting Agency

20  
 21 .....  
 22 .....  
 23  
 24 .....

1 .....

2 TO: Illinois State Police

3  
4 .....

5  
6 .....

7 ATTENTION: Expungement

8 You are hereby notified that on ....., at ....., in courtroom  
9 ..., located at ..., before the Honorable ..., Judge, or any  
10 judge sitting in his/her stead, I shall then and there present  
11 a Petition to Expunge Juvenile records in the above-entitled  
12 matter, at which time and place you may appear.

13 .....

14 Petitioner's Signature

15 .....

16 Petitioner's Street Address

17 .....

18 City, State, Zip Code

19 .....

20 Petitioner's Telephone Number

21 PROOF OF SERVICE

22 On the ..... day of ....., 20..., I on oath state that I  
23 served this notice and true and correct copies of the  
24 above-checked documents by:

25 (Check One:)

26 delivering copies personally to each entity to whom they are

1 directed;  
 2 or  
 3 by mailing copies to each entity to whom they are directed by  
 4 depositing the same in the U.S. Mail, proper postage fully  
 5 prepaid, before the hour of 5:00 p.m., at the United States  
 6 Postal Depository located at .....  
 7 .....  
 8

9 Signature

10 Clerk of the Circuit Court or Deputy Clerk

11 Printed Name of Delinquent Minor/Petitioner: ....

12 Address: .....

13 Telephone Number: .....

14 (3.2) The Order of Expungement shall be in substantially  
 15 the following form:

16 IN THE CIRCUIT COURT OF ....., ILLINOIS

17 ..... JUDICIAL CIRCUIT

18 IN THE INTEREST OF ) NO.

19 )

20 )

21 .....)

22 (Name of Petitioner)

23 DOB .....

24 Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of .....

Law Enforcement Agencies:

.....  
.....

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: .....

JUDGE

DATED: .....

Name:

Attorney for:

Address: City/State/Zip:

Attorney Number:

(3.3) The Notice of Objection shall be in substantially the

1 following form:

2 IN THE CIRCUIT COURT OF ....., ILLINOIS  
3 ..... JUDICIAL CIRCUIT

4 IN THE INTEREST OF ) NO.  
5 )  
6 )  
7 .....)  
8 (Name of Petitioner)

9 NOTICE OF OBJECTION

10 TO: (Attorney, Public Defender, Minor)  
11 .....

12 .....

13 TO: (Illinois State Police)

14 .....

15 .....

16 TO: (Clerk of the Court)

17 .....

18 .....

19 TO: (Judge)

20 .....

21 .....

22 TO: (Arresting Agency/Agencies)

23 .....

24 .....

1 ATTENTION: You are hereby notified that an objection has been  
2 filed by the following entity regarding the above-named minor's  
3 petition for expungement of juvenile records:

- 4 ( ) State's Attorney's Office;
- 5 ( ) Prosecutor (other than State's Attorney's Office) charged  
6 with the duty of prosecuting the offense sought to be expunged;
- 7 ( ) Department of Illinois State Police; or
- 8 ( ) Arresting Agency or Agencies.

9 The agency checked above respectfully requests that this case  
10 be continued and set for hearing on whether the expungement  
11 should or should not be granted.

12 DATED: .....

13 Name:

14 Attorney For:

15 Address:

16 City/State/Zip:

17 Telephone:

18 Attorney No.:

19 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

20 This matter has been set for hearing on the foregoing  
21 objection, on ..... in room ....., located at ....., before the  
22 Honorable ....., Judge, or any judge sitting in his/her stead.

23 (Only one hearing shall be set, regardless of the number of  
24 Notices of Objection received on the same case).

25 A copy of this completed Notice of Objection containing the  
26 court date, time, and location, has been sent via regular U.S.

1 Mail to the following entities. (If more than one Notice of  
2 Objection is received on the same case, each one must be  
3 completed with the court date, time and location and mailed to  
4 the following entities):

5 ( ) Attorney, Public Defender or Minor;

6 ( ) State's Attorney's Office;

7 ( ) Prosecutor (other than State's Attorney's Office) charged  
8 with the duty of prosecuting the offense sought to be expunged;

9 ( ) Department of Illinois State Police; and

10 ( ) Arresting agency or agencies.

11 Date: .....

12 Initials of Clerk completing this section: .....

13 (4) Upon entry of an order expunging records or files, the  
14 offense, which the records or files concern shall be treated as  
15 if it never occurred. Law enforcement officers and other public  
16 offices and agencies shall properly reply on inquiry that no  
17 record or file exists with respect to the person.

18 (5) Records which have not been expunged are sealed, and  
19 may be obtained only under the provisions of Sections 5-901,  
20 5-905 and 5-915.

21 (6) Nothing in this Section shall be construed to prohibit  
22 the maintenance of information relating to an offense after  
23 records or files concerning the offense have been expunged if  
24 the information is kept in a manner that does not enable  
25 identification of the offender. This information may only be  
26 used for statistical and bona fide research purposes.

1           (6.5) The Department of State Police or any employee of the  
2 Department shall be immune from civil or criminal liability for  
3 failure to expunge any records of arrest that are subject to  
4 expungement under subsection (1.5) or (1.6) of this Section  
5 because of inability to verify a record. Nothing in subsection  
6 (1.5) or (1.6) of this Section shall create Department of State  
7 Police liability or responsibility for the expungement of law  
8 enforcement records it does not possess.

9           (7) (a) The State Appellate Defender shall establish,  
10 maintain, and carry out, by December 31, 2004, a juvenile  
11 expungement program to provide information and assistance to  
12 minors eligible to have their juvenile records expunged.

13           (b) The State Appellate Defender shall develop brochures,  
14 pamphlets, and other materials in printed form and through the  
15 agency's World Wide Web site. The pamphlets and other materials  
16 shall include at a minimum the following information:

17           (i) An explanation of the State's juvenile expungement  
18 process;

19           (ii) The circumstances under which juvenile  
20 expungement may occur;

21           (iii) The juvenile offenses that may be expunged;

22           (iv) The steps necessary to initiate and complete the  
23 juvenile expungement process; and

24           (v) Directions on how to contact the State Appellate  
25 Defender.

26           (c) The State Appellate Defender shall establish and

1 maintain a statewide toll-free telephone number that a person  
2 may use to receive information or assistance concerning the  
3 expungement of juvenile records. The State Appellate Defender  
4 shall advertise the toll-free telephone number statewide. The  
5 State Appellate Defender shall develop an expungement  
6 information packet that may be sent to eligible persons seeking  
7 expungement of their juvenile records, which may include, but  
8 is not limited to, a pre-printed expungement petition with  
9 instructions on how to complete the petition and a pamphlet  
10 containing information that would assist individuals through  
11 the juvenile expungement process.

12 (d) The State Appellate Defender shall compile a statewide  
13 list of volunteer attorneys willing to assist eligible  
14 individuals through the juvenile expungement process.

15 (e) This Section shall be implemented from funds  
16 appropriated by the General Assembly to the State Appellate  
17 Defender for this purpose. The State Appellate Defender shall  
18 employ the necessary staff and adopt the necessary rules for  
19 implementation of this Section.

20 (8) (a) Except with respect to law enforcement agencies, the  
21 Department of Corrections, State's Attorneys, or other  
22 prosecutors, an expunged juvenile record may not be considered  
23 by any private or public entity in employment matters,  
24 certification, licensing, revocation of certification or  
25 licensure, or registration. Applications for employment must  
26 contain specific language that states that the applicant is not

1 obligated to disclose expunged juvenile records of conviction  
2 or arrest. Employers may not ask if an applicant has had a  
3 juvenile record expunged. Effective January 1, 2005, the  
4 Department of Labor shall develop a link on the Department's  
5 website to inform employers that employers may not ask if an  
6 applicant had a juvenile record expunged and that application  
7 for employment must contain specific language that states that  
8 the applicant is not obligated to disclose expunged juvenile  
9 records of arrest or conviction.

10 (b) A person whose juvenile records have been expunged is  
11 not entitled to remission of any fines, costs, or other money  
12 paid as a consequence of expungement. This amendatory Act of  
13 the 93rd General Assembly does not affect the right of the  
14 victim of a crime to prosecute or defend a civil action for  
15 damages.

16 (c) The expungement of juvenile records under Section 5-622  
17 shall be funded by the additional fine imposed under Section  
18 5-9-1.17 of the Unified Code of Corrections and additional  
19 appropriations made by the General Assembly for such purpose.

20 (9) The changes made to this Section by Public Act 98-61  
21 apply to law enforcement records of a minor who has been  
22 arrested or taken into custody on or after January 1, 2014 (the  
23 effective date of Public Act 98-61).

24 (10) The changes made in subsection (1.5) of this Section  
25 by this amendatory Act of the 98th General Assembly apply to  
26 law enforcement records of a minor who has been arrested or

1 taken into custody on or after January 1, 2015. The changes  
2 made in subsection (1.6) of this Section by this amendatory Act  
3 of the 98th General Assembly apply to law enforcement records  
4 of a minor who has been arrested or taken into custody before  
5 January 1, 2015.

6 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,  
7 eff. 7-16-14.)